

**REMARKS**

Claims 1, 3-14, 17 and 18 are currently pending in the application, as amended.  
Claims 2, 15 and 16 have been cancelled.

Claim 1 has been amended to point out that the touch pad has a graphical representation of a dart board on its face and a plurality of touch pad segments on the graphical representation of the dart board, wherein each of the touch pad segments correspond to an associated dart board segment. Claim 1 has also been amended to point out that pressure is applied to at least one of the touch pad segments associated with the graphical representation of the dart board corresponding to the dart board segment struck by a thrown dart causing a score associated with the struck dart board segment to be electronically tracked by the game memory. Support for this amendment can be found in specification paragraphs 17-20 and in Fig. 1.

New claims 17 and 18 are a rearrangement of the method steps of cancelled method claims 15 and 16. New claim 17 points out that pressure is applied to at least one touch pad segment on the graphical dart board representation corresponding to the dart board segment struck by the dart. In addition, new claim 17 points out that the touch pad segment is separate from the dart board and is located on the graphical dart board representation on the electronic touch pad scoring apparatus. Support for this amendment can be found in cancelled claims 15 and 16, specification paragraphs numbered 17-20 and Fig. 1.

No new matter has been added to the application by the above-described amendments to claim 1 and the insertion of new claims 17 and 18.

The above-described amendments were made as a result of a telephone interview with the Examiner in charge of the above-identified application conducted on November 3, 2004. During the interview, the Examiner agreed that the rejections presented in the most recent office action would be overcome if the Applicant amended the claims to point out that the touch pad scoring apparatus includes a touch pad with a graphical representation of the dart board thereon and each of the touch pad segments are on the graphical representation of the dart board. Each of the currently pending claims points out that the touch pad has a graphical representation of the

dart board and the touch pad segments are on the graphical representation of the dart board. The undersigned would like to thank the Examiner for the courtesies extended during the interview.

**Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected claims 1-7, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 5,559,490 (McDonald). Applicant respectfully traverses this rejection.

Claims 2, 15 and 16 have been cancelled, rendering the rejection of these claims moot.

Referring to Fig. 1, McDonald is directed to an electronic scoring apparatus for dart games and includes a housing 20 that is separate from a dart board. The housing 20 includes a panel 19 mounted thereon and a microprocessor therein that is programmed for scoring several different dart games, for example, Cricket, 301, Burma Road and Count. An input switch array or touchpad 24 is located on a lower central portion of the housing 20 and includes a plurality of input switches 17, 18, 25-35 and 40 that are utilized to input strikes on the dart board by a dart by pressing the switches 17, 18, 25-35 and 40, which are associated with number segments on the board or other input switches. When one or more of the switches 25-35 and 40 is depressed, a signal is sent to the controller and the controller manipulates the signals to display a score of the dart game on displays 13-16. The dart game scoring apparatus of McDonald may be utilized to score a number of dart games including cricket, 301 and/or Burma Road. A user must be aware of the dart game being played and the method of scoring the game in order to score the game using the scoring apparatus, for example, the user must strike a double switch 30 and a seventeen switch 40 when a double seventeen is struck on the dart board. The face of the housing 20 also includes a display area 15, 15' comprised of a pair of rows of circles with X's therein that are typically used in the game of cricket. The display area 15, 15' is separate from the input switch array or touchpad 24.

Referring to Figs. 1-4, the present application is directed to a touch pad scoring apparatus 10 for a dart game that is utilized with a dart board. The dart board is separate from the touch pad scoring apparatus 10. The touch pad scoring apparatus 10 includes a stand-alone

housing 20, an electronic controller 102 within the housing 20 and a touch pad 30 supported by the housing 20. The touch pad 30 has a graphical representation 38 of a dart board on its face. A plurality of touch pad segments 32, 38a-38f are positioned on the graphical representation 38 of the dart board. Each of the touch pad segments 32, 38a-38f correspond to an associated segment on the dart board. Specifically, the segments 32 may include an outer ring region 38a, a second ring region 38b, a third ring region 38c disposed radially inwardly of the second ring 38b, a fourth ring region 38d disposed radially inwardly of the third ring 38c, a central ring or double bull's-eye 38f and a bull's-eye region 38e. Depending upon the dart board game being played, the various segments 38a-38f are associated with different scores when the dart strikes an associated segment on the separate dart board. To score a selected dart game, the user simply applies pressure to the appropriate touch pad segment 38a-38d on the graphical representation 38a of the dart board corresponding to the dart board segment struck by the dart. Accordingly, a dart player may use hard or steel-tipped darts to strike a cork or traditional dart board and the touch pad scoring apparatus 10 is able to automatically score the dart game when the user strikes the corresponding segment 38a-38f on the graphical representation 38 of the dart board. Therefore, even if the user is unsure how to score a specific dart game, the game is automatically scored by the touch pad scoring apparatus 10 by applying pressure to the appropriate segments 38a-38f. For example, applying pressure to one of the segments in the third ring region 38c automatically calculates a triple score in certain dart games.

Claim 1 of the present application is directed to a touch pad scoring apparatus for a dart game including a dart board that is separate from the touch pad scoring device and at least one dart and recites, *inter alia*, a stand-alone housing ... a touch pad supported by the housing and having: a graphical representation of the dart board on its face, a plurality of touch pad segments on the graphical representation of the dart board, each of the touch pad segments corresponding to an associated dart board segment whereby: pressure applied to at least one of the touch pad segments associated with the graphical representation of the dart board corresponding to the dart board segment struck by a thrown dart causes a signal corresponding to the score to be output to the electronic display.

Applicant respectfully submits that McDonald does not teach, suggest or disclose at least each of the above-listed, underlined elements of amended claim 1 of the present application. Specifically, McDonald does not teach, suggest or disclose a touch pad scoring apparatus having a stand-alone housing with a touch pad having a graphical representation of the dart board on its face. In addition, McDonald does not teach, suggest or disclose a plurality of touch pad segments on the graphical representation of the dart board wherein each of the touch pad segments correspond to an associated dart board segment. McDonald discloses a touch pad segment on a housing with numbers at a lower front face and a typical scoreboard for a game of cricket with circles and X's therein to indicate when a specific number is closed out in Cricket on an upper portion of the housing, separate from the touch pad. However, McDonald does not disclose the graphical representation of the dart board on the face of the housing with touch pad segments on the graphical representation of the dart board. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw any rejection of amended claim 1 based upon anticipation by McDonald.

Claims 3-7 are dependent upon amended claim 1. Therefore, Applicant respectfully submits that claims 3-7 are not anticipated by McDonald at least based upon their dependence upon amended claim 1.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,824,121 (Beall) in view of U.S. Patent No. 5,384,561 (Smith). The Examiner argues that Beall discloses each and every feature of claims 1-16 but concedes that Beall does not disclose a touch pad scoring apparatus including a stand-alone housing that is separate from the dart board. The Examiner further argues that Smith teaches an improved electronic scoreboard construction wherein the same can be utilized to keep scores associated with conventional dart games as well as the game of cricket and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Smith into the disclosed invention of Beall that is susceptible of a low cost of manufacture, and heighten the overall excitement of the game. Applicant respectfully traverses this rejection.

Claims 2, 15 and 16 have been cancelled, thereby rendering the rejection of these claims moot.

Referring to Fig. 1, Beall is directed to an electronic dart board game including an upright cabinet 12 with a target head 11 thereon. The target head 11 includes target sections 14 that are adapted to serve as a target for darts 13. Each of the target sections 14 has a switch device (not shown) behind the section that momentarily closes when the dart 13 impacts the respective section 14. Video screens 19, 26 are located on the side of a control panel 16 for displaying conditions of the game and a remote video display 30 may also be provided for displaying conditions of the game.

Referring to Fig. 1, Smith is directed to a portable electronic scoreboard 10 for scoring the game of darts when using a real dart board without the need for connecting electronics. The scoreboard 10 includes a calculator 40 and various other switches for scoring various games of darts. The scoreboard 10 is adapted for use with numerous players and dart board games.

Amended claim 1 is directed to the touch pad scoring apparatus for a dart game including a dart board that is separate from the touch pad scoring device and at least one dart and recites, *inter alia*, a stand-alone housing; a touch pad supported by the housing and having: a graphical representation of the dart board on its face, a plurality of touch pad segments on the graphical representation of the dart board, each of the touch pad segments corresponding to an associated dart board segment and whereby: pressure applied to at least one of the touch pad segments associated with the graphical representation of the dart board corresponding to the dart board segment struck by a thrown dart causes a score associated with the struck dart board segment to be electronically tracked by the game memory.

Applicant respectfully submits that one having ordinary skill in the art combining the dart game of Beall with the electronic scoreboard of Smith would not construct a scoring apparatus having each of the elements of amended claim 1 of the present application. Specifically, neither Beall nor Smith discloses a touch pad scoring apparatus with a stand-alone housing having a touch pad thereon and a graphical representation of a dart board on its face

with a plurality of touch pad segments on the graphical representation of the dart board wherein each of the touch pad segments corresponds to an associated dart board segment. Beall discloses the electronic dart board with the segments that are directly struck by darts and no separate stand-alone housing including a touch pad with touch pad segments on a graphical representation of the dart board, while Smith discloses a separate stand-alone housing for scoring a dart game having a touch pad area. Any combination of Beall and Smith by one having ordinary skill in the art would not include a graphical representation of a dart board on the face of a touch pad on a stand-alone housing for scoring a dart game and touch pad segments on the graphical representation of the dart board.

In addition, one having ordinary skill in the art would not combine Beall and Smith to include a stand-alone housing with a touch pad on its face and a graphical representation of the dart board with touch pad segments on the graphical representation of the dart board such that each of the touch pad segments correspond to an associated dart board segment. Specifically, one having ordinary skill in the art would only combine Beall with Smith if the internal scorekeeping device of Beall were not working such that the stand-alone scorekeeping device of Smith could be utilized to keep score of a dart game. Therefore, one having ordinary skill in the art would not combine Beall and Smith, as any combination of these references would result in two separate scores being kept in the dart game

Further, there is no motivation for one having ordinary skill in the art to modify the stand-alone dart board scorekeeping device of Smith to include a graphical representation of a dart board with touch pad segments thereon that correspond to associated dart board segments. The electronic dart board of Beall is designed to be struck by darts at segments to keep score and the stand-alone dart scorekeeping device of Smith includes numerical keys for keeping score of a dart game. There is no motivation to include a graphical representation of a dart board with touch pad segments corresponding to the associated dart board segments on the face of a touch pad of a stand-alone housing of a dart scoring apparatus, as is claimed in claim 1 of the present application.

Based upon each of the above-listed arguments, Applicant respectfully requests that the Examiner reconsider and withdraw any rejection of amended claim 1 based upon unpatentability over Beall in view of Smith.

Claims 3-14 are dependent upon amended claim 1. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw any rejection of claims 3-14 based at least upon their dependence upon amended claim 1.

### **New Claims**

New claims 17 and 18 have been added and are a rearrangement of the steps of cancelled claims 15 and 16. New claim 17 points out that in the method of maintaining the score of a dart game using the electronic touch pad scoring apparatus of the present application, a dart board segment is impacted by a dart, pressure is applied to at least one touch pad segment on the graphical dart board representation corresponding to the dart board segment struck by the dart wherein the touch pad segment is separate from the dart board and located on the graphical dart board representation.

Applicant respectfully submits that new claim 17 is patentable over each of the references that are currently of record in the application and any combination thereof. None of the references currently of record in the application or any combination thereof disclose the method of scoring a dart board game using an electronic touch pad scoring apparatus with the claimed method of new claim 17. Specifically, none of the references alone or in combination disclose the method of impacting a dart board segment with a dart and applying pressure to at least one touch pad segment on a graphical representation of a dart board corresponding to the dart board segment struck by the dart on the dart board wherein the touch pad segment is separate from the dart board and is located on the graphical representation of the dart board.

New claim 18 is dependent upon new claim 17. Accordingly, Applicant respectfully submits that new claim 18 is patentable over any single or combination of references currently of record in the application at least based upon its dependence upon new claim 17.

**CONCLUSION**

In view of the foregoing Amendment and remarks, Applicant respectfully submits that the present application, including claims 1, 3-14, 17 and 18 is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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December 7, 2004  
(Date)

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